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6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **WILLON ALLEN HENDERSON**  
13 3129 Pearl Street  
Santa Monica, CA 90405

14 Original Pharmacist License No. RPH 29129

15 Respondent.

Case No. 2646

OAH No. 2004050317

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16  
17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
22 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
23 by Bill Lockyer, Attorney General of the State of California, by Anne Hunter, Deputy Attorney  
24 General.

25 2. Respondent Willon Allen Henderson (Respondent) is represented in this  
26 proceeding by attorney John W. Berger, whose address is 521 Park Avenue, Laguna Beach,  
27 California 92651

28 3. On or about July 17, 1974, the Board of Pharmacy issued Pharmacist

1 License No. RPH29129 to Willon Allen Henderson (Respondent). The license was in full force  
2 and effect at all times relevant to the charges brought herein and will expire on July 31, 2006,  
3 unless renewed.

#### 4 JURISDICTION

5 4. Accusation No. 2646 was filed before the Board of Pharmacy ("Board"),  
6 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
7 and all other statutorily required documents were properly served on Respondent on March 16,  
8 2004. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of  
9 Accusation No. 2646 is attached as exhibit A and incorporated herein by reference.

#### 10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and  
12 understands the charges and allegations in Accusation No. 2646. Respondent has also carefully  
13 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
14 Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
18 the right to present evidence and to testify on his own behalf; the right to the issuance of  
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

#### 24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in  
26 Accusation No. 2646.

27 9. Respondent agrees that his Pharmacist License is subject to discipline and

28 \\\

1 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order  
2 below.

### 3 CONTINGENCY

4 10. This stipulation shall be subject to the Board's approval. Respondents  
5 understand and agree that counsel for Complainant and the Board's staff may communicate  
6 directly with the Board regarding this stipulation and settlement, without notice to or  
7 participation by Respondents. By signing the stipulation, Respondents understand and agree that  
8 they may not withdraw their agreement or seek to rescind the stipulation prior to the time the  
9 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
10 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect; except for  
11 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board  
12 shall not be disqualified from further action by having considered this matter.

13 11. The parties understand and agree that facsimile copies of this Stipulated  
14 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
15 force and effect as the originals.

16 12. In consideration of the foregoing admissions and stipulations, the parties  
17 agree that the Board may, without further notice or formal proceeding, issue and enter the  
18 following Disciplinary Order:

### 19 DISCIPLINARY ORDER

20 IT IS HEREBY ORDERED that Pharmacist License No. RPH29129 issued to  
21 Respondent Willon Allen Henderson (Respondent) is revoked. However, the revocation is  
22 stayed and Respondent is placed on probation for three (3) years on the following terms and  
23 conditions.

24 1. **Obey All Laws.** Respondent shall obey all state and federal laws and  
25 regulations substantially related to or governing the practice of pharmacy.

26 Respondent shall report any of the following occurrences to the Board, in writing,  
27 within 72 hours of such occurrence:

- 28 • an arrest or issuance of a criminal complaint for violation of any provision of the

1 Pharmacy Law, state and federal food and drug laws, or state and federal  
2 controlled substances laws

- 3 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to  
4 any criminal complaint, information or indictment
- 5 • a conviction of any crime
- 6 • discipline, citation, or other administrative action filed by any state and federal  
7 agency which involves Respondent's license or which is related to the practice  
8 of pharmacy or the manufacturing, obtaining, handling or distribution or billing  
9 or charging for any drug, device or controlled substance.

10 2. **Reporting to the Board.** Respondent shall report to the Board  
11 quarterly. The report shall be made either in person or in writing, as directed. Respondent  
12 shall state under penalty of perjury whether there has been compliance with all the terms and  
13 conditions of probation. If the final probation report is **not** made as directed, probation shall  
14 be extended automatically until such time as the final report is made and accepted by the  
15 Board.

16 3. **Interview with the Board.** Upon receipt of reasonable notice,  
17 Respondent shall appear in person for interviews with the Board upon request at various  
18 intervals at a location to be determined by the Board. Failure to appear for a scheduled  
19 interview without prior notification to Board staff shall be considered a violation of probation.

20 4. **Cooperation with Board Staff.** Respondent shall cooperate with the  
21 Board's inspectional program and in the Board's monitoring and investigation of Respondent's  
22 compliance with the terms and conditions of his probation. Failure to comply shall be  
23 considered a violation of probation.

24 5. **Continuing Education.** Respondent shall provide evidence of efforts  
25 to maintain skill and knowledge as a pharmacist as directed by the Board.

26 6. **Notice to Employers.** Respondent shall notify all present and  
27 prospective employers of the decision in case number 2646 and the terms, conditions and  
28 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of

1 this decision, and within 15 days of Respondent undertaking new employment, Respondent  
2 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in  
3 writing acknowledging the employer has read the decision in case number 2646.

4 If Respondent works for or is employed by or through a pharmacy employment  
5 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
6 every pharmacy of the and terms conditions of the decision in case number 2646 in advance of  
7 the Respondent commencing work at each pharmacy.

8 "Employment" within the meaning of this provision shall include any full-time, part-  
9 time, temporary, relief or pharmacy management service as a pharmacist, whether the  
10 Respondent is considered an employee or independent contractor.

11 **7. No Preceptorships, Supervision of Interns, Being Pharmacist-in-**  
12 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern  
13 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the  
14 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this  
15 order.

16 **8. Reimbursement of Board Costs.** Respondent shall pay to the Board  
17 its costs of investigation and prosecution in the amount of \$7662.00. Respondent shall make  
18 said payments quarterly.

19 The filing of bankruptcy by Respondent shall not relieve Respondent of his  
20 responsibility to reimburse the Board its costs of investigation and prosecution.

21 **9. Probation Monitoring Costs.** Respondent shall pay the costs  
22 associated with probation monitoring as determined by the Board each and every year of  
23 probation. Such costs shall be payable to the Board at the end of each year of probation.  
24 Failure to pay such costs shall be considered a violation of probation.

25 **10. Status of License.** Respondent shall, at all times while on probation,  
26 maintain an active current license with the Board, including any period during which  
27 suspension or probation is tolled.

28 If Respondent's license expires or is canceled by operation of law or otherwise,

1 upon renewal or reapplication, Respondent's license shall be subject to all terms and  
2 conditions of this probation not previously satisfied.

3           **11. License Surrender while on Probation/Suspension.** Following the  
4 effective date of this decision, should Respondent cease practice due to retirement or health,  
5 or be otherwise unable to satisfy the terms and conditions of probation, Respondent may  
6 tender his license to the Board for surrender. The Board shall have the discretion whether to  
7 grant the request for surrender or take any other action it deems appropriate and reasonable.  
8 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject  
9 to the terms and conditions of probation.

10           Upon acceptance of the surrender, Respondent shall relinquish his pocket  
11 license to the Board within 10 days of notification by the Board that the surrender is accepted.  
12 Respondent may not reapply for any license from the Board for three years from the effective  
13 date of the surrender. Respondent shall meet all requirements applicable to the license sought  
14 as of the date the application for that license is submitted to the Board.

15           **12. Notification of Employment/Mailing Address Change.** Respondent  
16 shall notify the Board in writing within 10 days of any change of employment. Said  
17 notification shall include the reasons for leaving and/or the address of the new employer,  
18 supervisor or owner and work schedule if known. Respondent shall notify the Board in  
19 writing within 10 days of a change in name, mailing address or phone number.

20           **13. Tolling of Probation.** Should Respondent, regardless of residency, for  
21 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in  
22 California, Respondent must notify the Board in writing within 10 days of cessation of the  
23 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time  
24 shall not apply to the reduction of the probation period. It is a violation of probation for  
25 Respondent's probation to remain tolled pursuant to the provisions of this condition for a  
26 period exceeding three years.

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1        "Cessation of practice" means any period of time exceeding 30 days in which

2        Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of  
3        the Business and Professions Code.

4        Respondent shall work at least 40 hours in each calendar month as a pharmacist and at least an  
5        average of 80 hours per month in any six consecutive months. Failure to do so will be a  
6        violation of probation. If Respondent has not complied with this condition during the  
7        probationary term, and Respondent has presented sufficient documentation of his good faith  
8        efforts to comply with this condition, and if no other conditions have been violated, the Board,  
9        in its discretion, may grant an extension of Respondent's probation period up to one year  
10       without further hearing in order to comply with this condition.

11                    14.    **Violation of Probation.** If Respondent violates probation in any  
12       respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke  
13       probation and carry out the disciplinary order which was stayed. If a petition to revoke  
14       probation or an accusation is filed against Respondent during probation, the Board shall have  
15       continuing jurisdiction and the period of probation shall be extended, until the petition to  
16       revoke probation or accusation is heard and decided.

17                    If Respondent has not complied with any term or condition of probation, the  
18       Board shall have continuing jurisdiction over Respondent, and probation shall automatically  
19       be extended until all terms and conditions have been satisfied or the Board has taken other  
20       action as deemed appropriate to treat the failure to comply as a violation of probation, to  
21       terminate probation, and to impose the penalty which was stayed.

22                    15.    **Completion of Probation.** Upon successful completion of probation,  
23       Respondent's license will be fully restored.

24                    16.    **Medical Evaluation.** Within 30 days of the effective date of this  
25       decision, and on a periodic basis thereafter as may be required by the Board, Respondent shall  
26       undergo a medical evaluation, at Respondent's own expense, by a Board-appointed or Board-  
27       approved physician who shall furnish a medical report to the Board.

28                    If Respondent is required by the Board to undergo medical treatment,

1 Respondent shall, within 30 days of written notice from the Board, submit to the Board for its  
2 prior approval, the name and qualifications of a physician of Respondent's choice. Upon  
3 Board approval of the treating physician, Respondent shall undergo and continue medical  
4 treatment, with that physician and at Respondent's own expense, until further notice from the  
5 Board. Respondent shall have the treating physician submit written quarterly reports to the  
6 Board. Should Respondent, for any reason, cease treatment with the approved physician,  
7 Respondent shall notify the Board immediately and, within 30 days of ceasing treatment,  
8 submit the name of a replacement physician of Respondent's choice to the Board for its prior  
9 approval.

10           If recommended by the physician and approved by the Board, Respondent shall  
11 be suspended from practicing pharmacy until the treating physician recommends, in writing,  
12 stating the basis therefor, that Respondent can safely and independently resume the practice of  
13 a pharmacist, and the Board approves said recommendation. Respondent shall not resume  
14 practice until notified by the Board.

15           During suspension, Respondent shall not enter any pharmacy area or any  
16 portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any  
17 other distributor of drugs which is licensed by the Board, or any manufacturer, or where  
18 dangerous drugs and devices or controlled substances are maintained. Respondent shall not  
19 practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing,  
20 compounding, dispensing or patient consultation; nor shall Respondent manage, administer,  
21 or be a consultant to any licensee of the Board, or have access to or control the ordering,  
22 manufacturing or dispensing of dangerous drugs and controlled substances.

23           Respondent shall not engage in any activity that requires the professional  
24 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of  
25 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee  
26 for any entity licensed by the Board. Subject to the above restrictions, Respondent may  
27 continue to own or hold an interest in any pharmacy in which he holds an interest at the time  
28 this decision becomes effective unless otherwise specified in this order.



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**ACCEPTANCE**

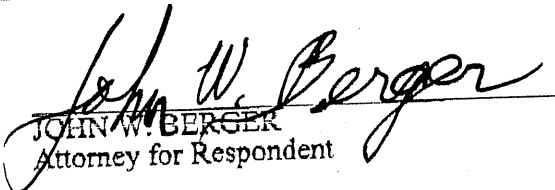
1  
2 I have carefully read the above Stipulated Settlement and Disciplinary Order  
3 and have fully discussed it with my attorney, John W. Berger. I understand the stipulation and  
4 the effect it will have on my Pharmacist License type. I enter into this Stipulated Settlement  
5 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
6 Decision and Order of the Board.

7 DATED: 11/12/2004

8  
9   
10 WILLON ALLEN HENDERSON  
11 Respondent

12 I have read and fully discussed with Respondent Willon Allen Henderson the  
13 terms and conditions and other matters contained in the above Stipulated Settlement and  
14 Disciplinary Order. I approve its form and content.

15 DATED: 11-12-04

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18 JOHN W. BERGER  
Attorney for Respondent

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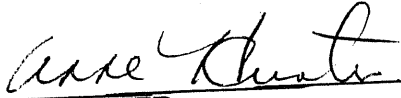
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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby  
respectfully submitted for consideration by the Board.

DATED: 11-15-04.

BILL LOCKYER, Attorney General  
of the State of California

  
ANNE HUNTER  
Deputy Attorney General  
Attorneys for Complainant

DOJ Matter ID: LA2003600022  
60069006.wpd

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**WILLON ALLEN HENDERSON**  
3129 Pearl Street  
Santa Monica, CA 90405

Respondent.

Case No. 2646

OAH No. 2004050317

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 6, 2005.

It is so ORDERED February 4, 2005.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



WILLIAM POWERS  
Board Vice President

**Exhibit A**

**Accusation No. 2646**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ANNE HUNTER, State Bar No. 136982  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2114  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2646

12 **WILLON ALLEN HENDERSON**  
3129 Pearl St.  
Santa Monica, CA 90405

**A C C U S A T I O N**

13 Original Pharmacist License No. RPH 29129

14 Respondent.  
15

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Patricia F. Harris (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
21 Affairs.

22 2. On or about July 17, 1974, the Board of Pharmacy issued Original  
23 Pharmacist License Number RPH 29129 to Willon Allen Henderson (Respondent). The Original  
24 Pharmacist License became delinquent from August 1, 2002 until October 10, 2002. The  
25 Original Pharmacist License will expire on July 31, 2004, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Pharmacy (Board),

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1 Department of Consumer Affairs, under the authority of the following laws. All section  
2 references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 4300 permits the Board to take disciplinary action to suspend or  
4 revoke a license issued by the Board.

5 5. Section 4301 states:

6 "The board shall take action against any holder of a license who is guilty of  
7 unprofessional conduct or whose license has been procured by fraud or misrepresentation or  
8 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
9 following:

10 "....

11 "(c) Gross negligence.

12 "....

13 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,  
14 deceit or corruption, whether the act is committed in the course of relations as a licensee or  
15 otherwise, and whether the act is a felony or misdemeanor or not.

16 "(g) Knowingly making or signing any certificate or other document that falsely  
17 represents the existence or nonexistence of a state of facts.

18 "(h) The administering to oneself, of any controlled substance, or the use of any  
19 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or  
20 injurious to oneself, to a person holding a license under this chapter, or to any other person or to  
21 the public, or to the extent that the use impairs the ability of the person to conduct with safety to  
22 the public the practice authorized by the license.

23 "....

24 "(j) The violation of any of the statutes of this state or of the United States  
25 regulating controlled substances and dangerous drugs.

26 "....

27 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
28 abetting the violation of or conspiring to violate any provision or term of this chapter or of the

1 applicable federal and state laws and regulations governing pharmacy, including regulations  
2 established by the board.

3 6. Section 4059 states, in pertinent part, that a person may not furnish any  
4 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, or  
5 veterinarian.

6 7. Section 4063 provides:

7 "No prescription for any dangerous drug or dangerous device may be refilled  
8 except upon authorization of the prescriber. The authorization may be given orally or at the time  
9 of giving the original prescription. No prescription for any dangerous drug that is a controlled  
10 substance may be designated refillable as needed."

11 8. Section 4324, subdivision (a) of the Code states:

12 "Every person who signs the name of another, or of a fictitious person, or falsely  
13 makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription  
14 for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment  
15 in the state prison, or by imprisonment in the county jail for not more than one year."

16 9. California Code of Regulations, title 16, section 1707.2, subdivision (a),  
17 states:

18 "(a) A pharmacist shall provide oral consultation to his or her patient or the  
19 patient's agent in all care settings:

20 (1) upon request; or

21 (2) whenever the pharmacist deems it warranted in the exercise of his or her  
22 professional judgment.

23 (b)(1) In addition to the obligation to consult set forth in subsection (a), a  
24 pharmacist shall provide oral consultation to his or her patient or the patient's agent in any care  
25 setting in which the patient or agent is present:

26 (A) whenever the prescription drug has not previously been dispensed to  
27 a patient; or

28 \\\

1 (B) whenever a prescription drug not previously dispensed to a patient in the same  
2 dosage form, strength or with the same written directions, is dispensed by the pharmacy.”

3 10. California Code of Regulations, title 16, section 1716, states:

4 “Pharmacists shall not deviate from the requirements of a prescription except  
5 upon the prior consent of the prescriber or to select the drug product in accordance with Section  
6 4073 of the Business and Professions Code.

7 11. Health and Safety Code section 11170 states, in pertinent part: “no person  
8 shall prescribe, administer, or furnish a controlled substance for himself.”

9 12. Section 118, subdivision (b), of the Code provides that the expiration of a  
10 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the  
11 period within which the license may be renewed, restored, reissued or reinstated.

12 13. Section 125.3 of the Code provides, in pertinent part, that the Board may  
13 request the administrative law judge to direct a licentiate found to have committed a violation or  
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
15 and enforcement of the case.

16 14. **DANGEROUS DRUGS**

17 A. “Dilantin,” an anti-seizure medication, is categorized as a dangerous drug  
18 pursuant to section 4022 of the Code.

19 B. “Cipro,” an antibiotic, is categorized as a dangerous drug pursuant to  
20 section 4022 of the Code.

21 C. “Carisoprodol,” generic name for Soma, is a dangerous drug pursuant to  
22 Business and Professions Code section 4022. Its indicated use is as an adjunct to rest, physical  
23 therapy and other measures for acute painful musculoskeletal conditions.

24 D. “Metrogel,” an anti-bacterial agent, is a dangerous drug pursuant to  
25 Business and Professions Code section 4022.

26 E. “Premarin,” a conjugated estrogens tablet, is a dangerous drug pursuant to  
27 Business and Professions Code section 4022.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 15. Respondent is subject to disciplinary action for unprofessional conduct  
4 under Business and Professions Code sections 4300 and 4301, subdivision (c). On or about July  
5 8, 2002, he dispensed a new prescription for Metrogel, which another pharmacist had incorrectly  
6 filled. Before dispensing the Metrogel, Respondent failed to verify that the prescribing doctor  
7 had been contacted and that the patient had been counseled in the use of the drug. Respondent's  
8 failure to verify these events before dispensing the new prescription constitutes gross negligence.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Failure to Provide Oral Consultation)**

11 16. Respondent engaged in unprofessional conduct under Code sections 4300  
12 and 4301, subdivision (o), by failing to provide oral consultation to a patient for a new  
13 prescription, thereby violating California Code of Regulations, title 16, section 1707.2. The  
14 circumstances are as follows:

15 a. On or about July 8, 2002, Respondent dispensed Metrogel Vaginal, a new  
16 prescription, to patient Janice P-R. Respondent failed to verify with the patient's physician that  
17 the Metrogel Vaginal was the proper medication before dispensing it. The correct medication  
18 prescribed for the patient was Topical Metrogel. Respondent failed to provide any consultation  
19 to the patient before dispensing the medication to her.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Variation From Prescription)**

22 17. Respondent engaged in unprofessional conduct under Code sections 4300  
23 and 4301, subdivision (o), by dispensing two incorrectly filled prescriptions to a patient, thereby  
24 violating California Code of Regulations, title 16, section 1716.

25 The circumstances are as follows: On July 8, 2002, while working as a  
26 pharmacist at the Medicine Shoppe in Newhall, Respondent dispensed to patient Janice P-R a  
27 new prescription for Metrogel, which another pharmacist had incorrectly filled. In addition,

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Respondent filled and dispensed to the same patient a prescription for Premarin 0.9 mg when the prescription required Premarin 0.3 mg.

#### **FOURTH CAUSE FOR DISCIPLINE**

##### **(Furnishing Drugs to Oneself Without Authorization)**

18. Respondent is subject to disciplinary action for unprofessional conduct under Code sections 4300 and 4301, subdivisions (g) and (h), for violating Business and Professions Code section 4059 and Health and Safety Code section 11170, in that he furnished himself dangerous drugs without a medical doctor's prescription. The circumstances are as follows:

a. From on or about October 2000, to on or about October 2002, Respondent took the drug Dilantin from the pharmacy for his own use, without first obtaining a doctor's authorization.

b. On or about November 2, 2002, Respondent filled a purported prescription for the drug Cipro, listing Dr. Robinson as the prescriber. Dr. Robinson had not prescribed the drug for Respondent.

c. Respondent's November, 1997 medical records indicate he was taking the drug Soma. Respondent never had an authorized prescription for this drug.

#### **FIFTH CAUSE FOR DISCIPLINE**

##### **(Knowingly Making Or Signing a False Document)**

19. Respondent is subject to disciplinary action for unprofessional conduct under sections 4300 and 4301, subdivisions (f), (j), and (o), for violating code section 4324 as follows:

a. On October 29, 1999, while Respondent was at the Antelope Valley Hospital for emergency treatment, Dr. Loren Rauch prescribed him Dilantin 100mg, with no refills. On or about November 17, 1999, Respondent recorded a purportedly orally-transmitted prescription for himself for Dilantin, 100mg., and wrote the name of Loren Rauch, M.D., on the prescription form. Dr. Rauch had not authorized the prescription.

\\

1 b. On or about November 2, 1999, Respondent filled a purported prescription  
2 for Cipro, a dangerous drug, without a physician's authorization.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Refilling Prescription without Authorization)**

5 20. Respondent is subject to disciplinary action for unprofessional conduct  
6 under section sections 4059, 4063, 4300 and 4301, subdivisions (e), (j), and (o), in that he  
7 furnished the dangerous drug Dilantin to himself for approximately two years without having the  
8 original prescribing doctor's or any other doctor's authorization.

9 **PRAYER**


10 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
11 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

12 A. Revoking or suspending Original Pharmacist License Number RPH  
13 29129, issued to Willon Allen Henderson;

14 B. Ordering Willon Allen Henderson to pay the Board of Pharmacy the  
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
16 Professions Code section 125.3; and

17 C. Taking such other and further action as deemed necessary and proper.

18 DATED: 3/8/04

19  
20   
21 PATRICIA F. HARRIS  
22 Executive Officer  
23 Board of Pharmacy  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant